

## **REMARKS**

Applicant respectfully requests reconsideration of this application as amended. No have been amended. Claims 1-7, 10-13 and 16-20 were previously cancelled without prejudice. No new claims have been added. Therefore, claims 8-9, 14-15 and 21-37 are presented for examination.

### **35 U.S.C. § 102 Rejection**

Claims 8-9, 14-16, 21-24, 28-29 and 33-34 stand rejected under 35 U.S.C. §102(e), as being taught by Lempel, U.S. Patent No. 5,978,909 (“Lempel”).

As indicated by the Examiner in the recent Office Action (mailed 12.13.2004, page 2), as well as in the previous Office Action (mailed 7.12.2004, page 2) that Lempel and the current application has a common assignee, Intel Corporation and thus, Lempel could be removed as prior art by “showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention ‘by another’”.

Applicant respectfully directs the Examiner’s attention to such Affidavit submitted to the Examiner in response to the previous Office Action, as acknowledged by the Examiner (see Office Action, mailed 12.13.2004, page 2). Accordingly, Applicant respectfully requests the withdrawal of the applied reference as prior to the instant application and earnestly requests the application be allowed.

### **35 U.S.C. § 103 Rejection**

Claims 25-27, 30-32 and 35-37 stand rejected under 35 U.S.C. §103(a), as being unpatentable over Lempel in view of admitted prior art.

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### **Conclusion**

In light of the foregoing, reconsideration and allowance of the claims is hereby earnestly requested.

### **Invitation for a Telephone Interview**

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

### **Request for an Extension of Time**

Applicant respectfully petitions for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.

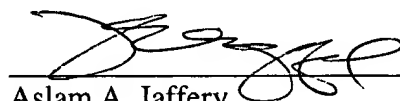
### **Charge our Deposit Account**

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: January 7, 2005



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